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OGC Has Reviewed

9 December 1954

MEMORANDUM FOR: Deputy Director (Administration)

SUBJECT : Storage Claim - [] (T)

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REFERENCE : Memorandum from DD/P-Admin., dated
24 November 1954, same subject

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1. The reference memorandum, routed through this office, requests the approval of the Deputy Director (Administration), under the authority of Agency Regulation [] of the claim for storage charges incurred by [] during the period 1 August 1952 - 1 October 1954.

2. The essential facts are these. [] a staff employee in the WE Division, was transferred to [] in June 1952 on permanent change of station. She went [] At the time of her departure, it was the opinion of her division that the nature of her cover precluded the shipment to her of her household goods and personal effects. And she was told that these would be stored here, in Washington at Agency expense for the period of her absence. Again, in March 1953, [] was informed by dispatch that the storage charges for her effects would be paid by the Agency. In that same month she wrote for additional confirmation from headquarters. This was not forthcoming. However, [] did not follow up; and subsequently the Agency did reimburse her for storage charges accrued during the period 1 August 1952 - 1 September 1953. Since her return from the [] station, [] has requested that the storage charges for the total period of her absence, coming to \$127.50, be borne by the Agency on the basis of previous verbal understanding between her and the Agency and on the basis of the dispatch informing her that she "need not be concerned with these. . . (storage). . . bills". The Finance Division, on the other hand, now has sought to reclaim the amount of \$62.50, representing reimbursement for storage charges accrued during the period August 1952 - September 1953, and refuses to reimburse her on the basis of []

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3. The authority under which the Agency may pay the cost of the storage of the household goods and personal effects of its employees is the subject of subparagraphs B(3) and (4) of Agency Regulation [] Generally, this regulation provides that the Agency will pay the cost of such storage in these instances where either an employee is absent under orders from his usual post of duty or is assigned to a post to which, because of an emergency condition, he cannot take his household goods and personal effects or upon first arrival at a new post. In this last instance the period of storage may not exceed three months; and in all these, the Agency is not responsible for the storage charges for effects in excess of the authorized weight allowance of the employee concerned. So far as is relevant here, paragraph 12 of Agency [] specifies that western European areas do not constitute "emergency Areas". Paragraph 9(a) of Agency Regulation [] provides as follows:

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"When authority is not otherwise specifically provided in Agency Regulations, the Deputy Director (Administration) may take final action on any matter arising out of the unusual functions of this Agency and involving the expenditure of confidential funds, if the expenditure involved in each matter does not exceed \$2,500. The term "unusual functions" as used herein is intended to differentiate the extraordinary problems of this Agency from the normal administrative or operating problems confronting the ordinary Government agency."

25X1A9A 4. The issue presented is whether [] situation is of such a nature as to bring it within the purview of paragraph 9(a) of Agency Regulation []

25X1A 5. As a matter law, we would answer this question in the affirmative. The establishment and maintenance of cover is one of the "unusual functions" of this Agency within the meaning of the cited regulation. And from the previously mentioned sections of Agency Regulation [] it would appear that authority for the Agency's payment of the storage expenses in this situation is "not otherwise specifically provided" for in the Agency regulations within the meaning of paragraph 9(a).

25X1C4D 6. From the above, it is the opinion of this office that if the Deputy Director (Administration) agrees with the initial determination of the WE Division that the [] precluded the shipment of her effects to her, then he may authorize the reimbursement of Miss [] for the cost of the storage of her effects in Washington during the period of her duty in []. Such reimbursement must be limited to the weight allowance of such effects authorized for [] as there is no showing of any connection between any excess weight and any of the "unusual functions" of the Agency.

(signed)

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Office of General Counsel

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